

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7249

BILL NUMBER: HB 1937

NOTE PREPARED: Jan 17, 2003

BILL AMENDED:

SUBJECT: Lifetime Probation.

FIRST AUTHOR: Rep. Reske

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill has the following provisions:

- (A) It requires lifetime probation for certain repeat sex offenders.
- (B) It provides a deadline for filing a request for lifetime probation.
- (C) It prohibits a court from giving written approval for a sex offender to reside within 1,000 feet of school property.

Effective Date: July 1, 2003.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: *Provision A:* Any effects of this bill will depend on the current sentencing patterns of the courts. It is assumed that under current law, the earliest year that this bill would begin to affect probation workload would be 2012. The estimated effects on the future workload of county probation departments will depend on the average age of the offenders at the time of release from prison, the number of offenders being released, and the earliest year when offenders would be released on probation.

Based on the number of offenders being committed to Department of Correction (DOC) facilities in FY 2002 and making adjustments for the percentage of offenders committed for repeat sexual offender enhancements, the number of new offenders who would be on lifetime probation could increase to over 449 by 2027.

Average Age: DOC reports that the average age of the sex offenders released for child molesting between

FY 1998 and FY 2000 was 35.9 years.

Number of Offenders Affected: Information on the age of victims is known for offenders sentenced for either child molestation, vicarious sexual gratification, or for sexual misconduct with a minor. Of these three groups, the number of offenders sentenced to DOC facilities has increased from 135 to 286 between 1996 and 2001. Based on the current population in DOC facilities sentenced for sex crimes under IC 35-42-4, the percentage of Class A and B felony offenders who have been sentenced on a second offense for a sex crime is 10%.

Earliest Year Offender Released: Since July 1, 1999, a court may sentence a person who is found to have one prior unrelated felony for a sex crime to an additional fixed term ranging between the presumptive sentence and 10 years.

Since the presumptive sentence for a Class B felony is ten years, the earliest that this bill would affect any probation department would be 2012 when offenders who are sentenced for a Class B felony are released after serving 3.7 years for the offense and 5 years for the repeat sexual offender enhancement associated with that offense. (Note: Offenders are assumed to serve 50% of their sentences because they comply with facility conduct requirements.)

For Class A felony offenders who are committed in 2003, their earliest year of release would be 2018 (length of stay for a Class A felony is 10 years, and the length of stay for the repeat sexual offender enhancement associated with that offense would be 5 years).

The number of additional probation officers who might need to be added will depend on the workload of these officers and the type of technology that might be available for monitoring the offenders.

Background: The number of offenders sentenced to DOC facilities between 1996 and 2002 are shown below.

Number of Offenders Committed to DOC Facilities Between FY 1997 and 2002							
Felony	Crime	Code Cite	1998	1999	2000	2001	2002
A	Child Molesting	IC 35-42-4-3	31	53	96	79	87
B	Child Molesting	IC 35-42-4-3	78	89	137	145	153
A	Sex. Misc. with Minor	IC 35-42-4-9	0	0	0	0	0
B	Sex. Misc. with Minor	IC 35-42-4-9	24	38	51	62	73
A	Vic. Sexual Gratification	IC 35-42-4-5	0	0	0	0	0
B	Vic. Sexual Gratification	IC 35-42-4-5	<u>11</u>	<u>1</u>	<u>1</u>	<u>2</u>	<u>0</u>
	Subtotal		<u>144</u>	<u>181</u>	<u>285</u>	<u>288</u>	<u>313</u>
Felony	Crime	Code Cite	1998	1999	2000	2001	2002
A	Crim Dev. Conduct	IC 35-42-4-2	7	3	1	8	10
B	Crim Deviate Conduct	IC 35-42-4-2	12	15	26	20	24
A	Rape	IC 35-42-4-1	8	16	15	20	26
B	Rape	IC 35-42-4-1	<u>34</u>	<u>31</u>	<u>53</u>	<u>66</u>	<u>58</u>
	Subtotal		<u>61</u>	<u>65</u>	<u>95</u>	<u>114</u>	<u>118</u>

Provision C could increase the number of offenders who might return to the Department of Correction for violating a technical rule if an offender is found living within 1,000 feet of a school.

Explanation of Local Revenues: Offenders would continue paying a probation user fee for a longer period of time. The initial fee is between \$25 and \$100, and the monthly fee is between \$5 and \$15.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Probation departments.

Information Sources: IC 35-50-2-14, Department of Correction.

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